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EXAMINER

PHAM, HAI CHI

ART UNIT PAPER NUMBER

2861

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,362

Applicant(s)

SASAKI, YOSHIHARU

Examiner

Hai C Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-14 and 17-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14, 18 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 7, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 9, 16, 18, 20-21, 23-27 is withdrawn in view of the newly discovered references to Nzei (U.S. 4,932,644), and Egashira et al. (U.S. 5,135,905). Rejections based on the newly cited references follow.

### ***Duplicate Claims***

2. Claim 18 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 17. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Both claims 17 and 18 are dependent from claim 11, and both recite the same limitation using different wording. Basically, both claims 17 and 18 recite the pickup mechanism being applied to the recording media on the side opposite to the side where the interleaving sheets extend outward from the stack.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. et al. (U.S. 6,365,305 B1) in view of Nzei (U.S. 4,932,644).

Taylor, Jr. et al. discloses a laser-induced thermal transfer method and apparatus for forming color image on a receiving element by thermal transfer from either a single donor element or a plurality of donor sheets; a package containing the receiver element (20) and donor element(s) (10) with an interleaving sheet present between each of the specified elements are to be loaded together into a cassette such that the sheets are automatically loaded in order onto the drum (70) to be exposed by the exposure engine (col. 29, lines 53-60 and col. 34, lines 27-35).

However, Taylor, Jr. et al. fails to teach the interleaving sheets extending outward from at least one side of the set of recording media.

Nzei discloses a sheet feeding mechanism for feeding recording media, which are interleaved with plain paper separator sheets in a tray in a manner that the separator sheets extend beyond the ends of the recording media at the front end of the tray so that the separation of the recording media would be made easier.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Taylor, Jr. et al. with the aforementioned teaching of Nzei. The motivation for doing would have been to improve the process of separating the different recording media during their loading.

With regard to claims 2-4, Taylor, Jr. et al. further teaches each set of the donor element and the receiver element [with the interleaving sheet in between] being loaded in this order into the cassette, meaning the top sheet of the stacked recording media is the receiver element, and the feeding process of the recording media being done automatically during printing, which suggests that the image-receiving layer of the receiver sheet and the toner layer of the transfer sheet would be necessary disposed in opposite directions.

5. Claims 8-14, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. et al. in view of Nzei, as applied to claim 1 above, and further in view of Egashira et al. (U.S. 5,135,905).

Taylor, Jr. et al. in view of Nzei, discloses all the basic limitations of the claimed invention except for the interleaving sheet being disposed between the packaging material and the recording media, and the interleaving sheet being made of the same material and having the same condition/properties as the substrate of the recording media, and the cassette body being made of paperboard, and packaged in an external packaging sheet.

Egashira et al. discloses a stack of image-receiving sheets being provided in a package with an interleaving sheet (protective sheet) being inserted between each of the sheets, where the top and bottom of the stack includes the interleaving sheet next to the packaging material. Egashira et al. also teaches the both the substrate of the recording media and the interleaving sheet being made of the same material, e.g.,

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synthetic paper or plastic film (col. 9, lines 4-19, col. 11, lines 31-39, and col. 12, lines 35-51), the package containing the stack of recording material being made of paperboard (5) or packaged in an external packaging sheet and further packaged in a paperboard box (9, Fig. 8).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Taylor, Jr. et al., as modified by Nzei, with the aforementioned teaching of Egashira et al. The motivation for doing so would have been to prevent the recording media from being stained.

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. et al. in view of Nzei and Egashira et al., as applied to claim 11 above, and further in view of Komori et al. (U.S. 3,919,972).

Taylor, Jr. et al., as modified by Nzei and Egashira et al., discloses all the basic limitations of the claimed invention except for the cushioning material, and the dust-free sponge cushioning material.

Komori et al. discloses an automatic cut sheet-feeding unit, which includes a cushioning material (17, Figs. 25-26) for pressing the paper from the lateral side to the feed direction, the cushioning material being made of sponging plastic backed by a spring (18) for restraining the lateral movement of the paper.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the cushioning device as taught by Komori et

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al. in the modified device of Taylor, Jr. et al. for the purpose of restraining the lateral movement of the recording medium.

7. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, Jr. et al. in view of Nzei and Egashira et al., as applied to claim 11 above, and further in view of Hirano et al. (U.S. 6,246,466 B1).

Taylor, Jr. et al. in view of Nzei and Egashira et al. discloses all the basic limitations of the claimed invention except for the cassette body including a detachable lid.

Hirano et al. discloses a sheet pack container having recording media to be supplied to a recording apparatus, the sheet pack being made of paperboard, and having an openable and closable lid portion (402a) attached to the container.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the detachable lid as taught by Hirano et al. in the modified device of Taylor, Jr. et al. The motivation for doing so would have been to self-contained and dust-proof cassette for storing the sensitive recording media.

***Allowable Subject Matter***

8. Claims 7, 17, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of the claimed invention, with respect to claims 7, 19, is the inclusion of the limitation, in the combination as currently claimed, that the feeding cassette used in the printing device contains sets of stacked image-receiving sheet and transfer sheets, along with interleaving sheets being disposed between each adjacent sheets such that an end of the interleaving sheets is extended outward from one side of the sets of the recording sheets, and wherein the interleaving sheets have at least one perforation in their extension, and are fixed to the printing device by making use of the perforation. The combined limitations are not found taught or fairly suggested by the prior arts made of record, considered alone or in combination.

The primary reason for the indication of the allowability of the claimed invention, with respect to claim 17, is the inclusion of the limitation, in the combination as currently claimed, that the printing device includes a pickup mechanism being applied to the set of recording media opposite to the side of extension of the interleaving sheet, and which is not found taught or fairly suggested by the prior arts made of record, considered alone or in combination.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-4, 8-14, 18, 20-28 have been considered but are moot in view of the new grounds of rejection as presented in this office action.



***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (703) 308-1281. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R. Fuller can be reached on (703) 308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722, (703) 308-7724, (703) 308-7382, (703) 305-3431, (703) 305-3432 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**HAI PHAM  
PRIMARY EXAMINER**

May 20, 2003